

SENATE BILL REPORT

SB 5826

As Reported by Senate Committee On:
Health & Long-Term Care, February 12, 2009

Title: An act relating to tamper-resistant prescription pads.

Brief Description: Requiring tamper-resistant prescription pads.

Sponsors: Senators Keiser and Parlette.

Brief History:

Committee Activity: Health & Long-Term Care: 2/09/09, 2/12/09 [DPS].

SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

Majority Report: That Substitute Senate Bill No. 5826 be substituted therefor, and the substitute bill do pass.

Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug, Ranking Minority Member; Fairley, Marr, Murray and Parlette.

Staff: Rhoda Donkin (786-7465)

Background: Beginning on October 1, 2008, federal law requires all Medicaid prescriptions be written on tamper-resistant prescription pads. Guidelines for what qualifies as tamper-resistant include characteristics that prevent unauthorized copying of a completed or blank prescription form, prevent the erasure or modification of information written on the prescription by the prescriber, and prevent the use of counterfeit prescription forms. The requirement does not apply when the prescription is communicated by the prescriber to the pharmacy electronically, verbally, or by fax; when a managed-care entity pays for the prescription; or in most institutional or clinical facilities, or in cases of emergency prescriptions.

This requirement does not include Medicare or private payers.

Summary of Bill (Recommended Substitute): Beginning July 1, 2010, all prescriptions written by a licensed practitioner in the state must be done on a tamper-resistant prescription pad or paper approved by the Board of Pharmacy. A pharmacist may not fill a prescription unless it complies with this requirement, except when providing emergency supplies. Any hard copy of an electronic prescription that is given directly to the patient must also comply.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Tamper-resistant is described with the same characteristics as required by federal law. All tamper-resistant pads and paper must be approved by the Board of Pharmacy before being marketed to pharmacists. The board will develop and use a seal of approval for tamper-resistant products.

Prescriptions transmitted to the pharmacy by telephone, fax, or electronically are exempt. Prescriptions written for individuals in hospitals, nursing homes, mental health facilities, and correctional facilities are also exempt.

EFFECT OF CHANGES MADE BY HEALTH & LONG-TERM CARE COMMITTEE (Recommended Substitute): Delays until July, 1, 2010, implementation of the requirement that all prescriptions be written on tamper-free pads.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: PRO: This requirement will save the state money because it will reduce the incidence of fraud. The bill is the result of much collaboration and agreement on making the state uniformly consistent using tamper-free pads.

Persons Testifying: PRO: DeDi Hitchens, Washington State Pharmacy Association; Lis Houchen, National Association of Chain Drug Stores; Susie Tracy, Washington State Medical Association.